

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to effective and constitutional policing, creating the Community Police Commission and establishing functions and prescribing duties consistent with the settlement agreement and memorandum of understanding entered into between the United States and the City of Seattle.

WHEREAS, on July 27, 2012, the United States Department of Justice (DOJ) and the City of Seattle entered into a settlement agreement (Agreement) and memorandum of understanding (MOU) filed before the United States District Court: Western District of Washington, related to ensuring police services are delivered to the people of Seattle in a manner consistent with the Constitution and laws of the United States; and

WHEREAS, the Seattle Police Department (SPD) and the elected leadership of the City of Seattle are committed to providing effective and constitutional policing for all of Seattle's residents and values the role of community input and participation to enhance and promote public safety; and

WHEREAS, the Agreement and MOU outlines a substantive and meaningful role for the newly created Community Police Commission (CPC) to monitor the implementation of SPD reforms and to provide ongoing community input; and

WHEREAS, the Agreement and MOU provides a framework and structure for creating the CPC and delineates specific tasks to be completed, it is silent on prescribing the number of members and the internal mechanisms for the selection of the participants; and

WHEREAS, the City of Seattle desires to provide additional guidance, consistent with and complementary to the Agreement and MOU regarding the role of the CPC in order to provide additional clarity to commission members and transparency for members of the public; and

WHEREAS, the success of the CPC will require a common understanding of its roles and responsibilities by the Mayor, Council, City Attorney, DOJ, SPD and the public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

1 Section 1. **Commission Established.** The City of Seattle hereby establishes the
2 Community Police Commission (CPC). The CPC shall consist of eleven (11) members and
3 remain in existence until the termination of the settlement agreement between the United States
4 and the City of Seattle.

5 Section 2. **Purpose and Duties.** Ongoing community input is a necessary and critical
6 component of achieving and maintaining effective and constitutional policing. The CPC will
7 provide an independent forum for dialogue and wide-spread input on the reform efforts
8 embodied in the Agreement and MOU. The CPC will leverage the ideas, talent, experience and
9 expertise of the people of Seattle to support the City in ensuring that police services are delivered
10 to the people of Seattle in a manner that:

- 11 A. Fully complies with the Constitution of the United States;
- 12 B. Effectively ensures public and officer safety; and
- 13 C. Promotes public confidence in SPD and its officers.

14 The CPC will be responsible for fulfilling the responsibilities it has been assigned in the
15 Agreement and MOU as summarized:

- 16 A. Review the reports and recommendations of the Monitor, issue its own report or
17 recommendations to the City on the implementation of the Agreement;
- 18 B. May review and issue reports or recommendations as to the implementation of SPD's
19 20/20 initiative and other initiatives of SPD and the City to support the reform
20 process;
- 21 C. May consider other issues as referred by DOJ and the City in Section III. C. of the
22 MOU related to the following:
 - 23 a. Community engagement
 - 24 b. Accountability
 - 25 i. Review of Office of Professional Accountability (OPA) structure;

- 1 ii. Investigation timelines; and
- 2 iii. Public education and outreach
- 3 c. Investigatory stops and data collection
- 4 d. Officer assistance and support
- 5 e. Transparency and public reporting.

6 The CPC is also responsible for any and all duties prescribed in the Agreement and MOU that
7 are otherwise not identified in this ordinance.

8 Section 3. **Membership.** The CPC shall consist of eleven (11) members appointed by
9 the Mayor, subject to confirmation by the City Council. The CPC membership shall include
10 residents from each of the five (5) geographic police precincts representing each of the
11 following:

- 12 A. Seattle Police Officers Guild (SPOG) (1 member)
- 13 B. Seattle Police Management Association (SPMA) (1 member)
- 14 C. Faith Community (2 members)
- 15 D. Minority and Ethnic Communities (2 members)
- 16 E. Student and Youth Organizations (2 members)
- 17 F. Any Other Community Organizations (3 members)

18 The CPC members shall identify and recommend a member to serve as Chair. In accordance
19 with the Agreement, the Mayor shall formally appoint the Chair of the CPC. All members shall
20 be appointed for the duration that the Agreement and MOU are in effect. In the event that a
21 member is unable to perform his or her functions on the CPC, the Mayor shall appoint a
22 replacement in a timely manner, subject to City Council confirmation. The Mayor may remove a
23 member of the CPC for cause.

24 Section 4. **Membership Selection and Process.** Within fourteen (14) business days of
25 the effective date of this ordinance, a written, downloadable application will be posted and
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1 available on the City's website with a description of the roles and responsibilities of being a CPC
2 member and a deadline for individual submissions. The Mayor, with input from the City
3 Council, shall establish selection criteria and a list of desired qualifications. The Mayor shall
4 also develop a screening and selection process after having considered the selection criteria and
5 framework recommended in Attachment 1 of this ordinance. The criteria, desired qualifications,
6 screening and selection process shall all be posted to the City's website.

7 Subsequent to the Mayor's posting of the application process and prior to the Mayor's
8 appointment of members for the CPC, the City Council's Public Safety, Civil Rights and
9 Technology Committee shall hold a public hearing soliciting community feedback and
10 recommendations regarding the CPC and the composition of its membership. A representative
11 of the Mayor is required to attend this public hearing.

12 Consistent with the Agreement requiring establishment of the CPC within ninety (90)
13 days, the Mayor is required to submit to the City Council his nominations for the CPC no later
14 than November 21, 2012.

15 Section 5. **Organizational Structure and Operational Parameters.** The City of
16 Seattle shall provide the staff support it deems necessary for the CPC to perform duties and
17 responsibilities outlined in this ordinance, the Agreement and MOU. The CPC's work shall be
18 carried out consistent with the following:

- 19 A. Maintain regular contact with the City to ensure effective and timely communication
20 regarding its responsibilities under the Agreement and MOU.
- 21 B. Hold public meetings at regular intervals to discuss the Monitor's reports and to
22 receive community feedback about SPD's progress or compliance with the
23 Agreement and MOU. The City will provide the CPC with reasonable administrative
24 (including meeting space), technical and legal support as determined by the City.

- 1 C. The CPC shall be an independent body, arriving at their findings and conclusions on
2 their own. Any final actions may be decided by majority vote of the members when a
3 quorum (six (6) members) is present.
- 4 D. CPC reports and recommendations will be posted to the City's website.
- 5 E. The City will consider and respond to the CPC's recommendations in a timely
6 manner.
- 7 F. The CPC may request and obtain necessary and relevant data and information from
8 the City and SPD in order to conduct independent analysis of SPD's trainings,
9 policies, and practices on use of force, crisis intervention, stops and detention and
10 bias-free policing.
- 11 G. The CPC shall update the City Council on their work through quarterly public
12 briefings either before the Full Council, a special Committee of the Whole or the
13 Public Safety, Civil Rights and Technology Committee during the first year of its
14 existence. The briefings will give members of the public an opportunity to provide
15 input to the CPC and the City Council on the SPD reform effort. Beyond the first
16 year, briefings will be scheduled as necessary through mutual agreement between the
17 CPC and the City Council.
- 18 H. The CPC shall not review or report on specific cases of alleged misconduct, review or
19 comment on discipline, and will not seek to influence the course or outcome of a
20 specific complaint investigation or the discipline of specific police officers. The CPC
21 shall not have access to any non-public information regarding an individual police
22 officer or allegation of misconduct or disciplinary action.
- 23 I. The CPC members shall be self-governing in determining other procedural and
24 operational parameters so long as they are consistent with and complementary to the
25 Agreement and MOU.
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1 Section 6. **Coordination with Office of Professional Accountability Review Board**
2 **(OPARB)**. The CPC shall share with OPARB any draft reports to be publicly issued prior to
3 final action by the CPC. The CPC shall be required to review as part of their efforts to assess the
4 City's police accountability structure any recommendations from OPARB related to reforming
5 the OPA structure.

6 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
7 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
8 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

9 Passed by the City Council the ____ day of _____, 2012, and
10 signed by me in open session in authentication of its passage this
11 ____ day of _____, 2012.

12
13 _____
14 President _____ of the City Council

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16 Approved by me this ____ day of _____, 2012.

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18 _____
19 Michael McGinn, Mayor

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21 Filed by me this ____ day of _____, 2012.

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23 _____
24 Monica Martinez Simmons, City Clerk

25 (Seal)

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ATTACHMENT 1: Proposed CPC Selection Criteria

